Appl. No. 09/833,845
Amdt. dated April 17, 2006
Office Action of February 16, 2006

PATENT

REMARKS

Claims 1, 4-8, and 10-13 are pending after entry of the present Amendment. With reference to objections raised in independent claims 1 and 8, the Applicants further clarify the role of the control module with respect to the service module. With reference to objections regarding claim 8, claim 8 has been appropriately modified to indicate the execution of the application in a middle tier.

Applicants respectfully request reconsideration of the application in view of the following remarks submitted in support thereof.

Claims 1 and 8 are currently amended to further clarify the distinctive features of the claimed embodiments.

Claims 4-8 and 10-13 are pending after entry of this amendment.

ENTRY OF AMENDMENT AFTER FINAL

The Applicants submit that the amendments presented by way of this paper should be entered. The amendments were the result of further clarifying the claims. As the dependent claims were originally presented and examined by the examiner, the amendments do not raise new issues. Additionally, it is noted that new art was presented by the office in the final office action, which caused the reconsideration of the scope of the claims by the undersigned. Accordingly, the Applicants submit that these amendments should be entered.

Rejections under 35 U.S.C. § 103(a):

Claims 1, 4-8, and 10-13 were rejected under 35 U.S.C. § 103(a), as being anticipated by Ma et al. (U.S. Patent 5,920,725), hereinafter "Ma" in view of Ferguson et al. (U.S. Patent 6,976,079), hereinafter "Ferguson". This rejection is respectfully traversed.

Ma discloses a distributed application with an adaptor 80 for updating objects cataloged by a meta server 70. Meta server 70 receives change requests from a runtime

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update tool 76 and modifies object class definitions. The update tool 76 provides a way for a

user to inject an update. *See col. 7, lines 60-66, col. 8, lines 1-6, and Figure 3.*

As noted by Ma, these updates are not related to specific services. First, specific

objects are updated in the repository 62. Then, notifications are made to the server

application 86, where objects are updated. Finally, the notification is made to the client 88,

where the objects can be updated. Ma describes this to be a "propagation" of the changes in

an outward direction. *See Col. 8, lines 20-34.* Ma's teachings are directed to a distributed

system, which executes objects both on the server side and the client side. There is no

control module or similar module that functionally supervises the life cycle of the control

module and the service modules associated with the control module. In contrast, the control

module of the claimed invention systematically manages the upgrade throughout the system

while maintaining the application-specific strategies and policies for the application.

Ferguson discloses a distributed computing environment wherein a first application

server, on which a software to-be-upgraded resides, re-directs any new requests for the

software to a second application server while the software is being upgraded on the first

application server. This re-direction is made possible by having the router directing the

requests to a second application server. Access to other software residing on the application

server are maintained while the particular software is being upgraded. Upon notification of

successful completion of the upgrade on the first application server, the router allows the first

application server to start receiving new requests for the upgraded software. *See Col. 5, lines

27-40.* If the software on the first application server is servicing an active client request, the

system waits till the application server is no longer servicing the request before upgrading.

See Col. 5, lines 48-52. Consequently, this feature of Ferguson to provide alternative server

to service the request of the current software and to wait for the service request to complete

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on the application server before upgrading the software could result in delay of the upgrade process.

In contrast, the currently amended claimed invention discloses a method wherein a control module is used in upgrading the objects. As mentioned earlier, the control module supervises the life cycle of the control modules, service modules, child applications and the Java servers by collaborating with the runtime executive subsystem. *See page 15, lines 12-15, page 17, lines 1- 13.* The control module of the claimed invention manages the systematic upgrade throughout the system while maintaining the application-specific strategies and policies for the application. Moreover, these upgrades are performed in place with no disruption in service. *See page 35, lines 1-2 and lines 21-23.* This feature would provide for a seamless upgrade process without causing unnecessary delay. Additionally, the claimed invention also provides for a failsafe upgrade by maintaining a recoverable state of the upgraded control module in a state server. *See page 19, lines 2-9, page 33, lines 17-22, and page 35, lines 9-11.*

The teachings of Ma and Ferguson combined do not provide each and every feature of the amended independent claims 1 and 8. For at least the reasons noted herein, the Applicants respectfully submit that the now claimed invention is patentable over the cited art.

Claims 4-7 and 10-13 are directly dependent on independent claims 1 and 8 respectively. Based on arguments for independent claims 1 and 8, Applicants request the Examiner to withdraw the 35 U.S.C. §103(a) rejections on claims 4-7 and 10-13. A Notice of Allowance is respectfully requested.
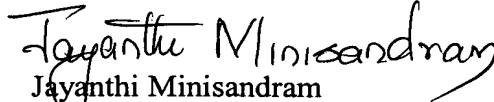
If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6903. If any other fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge

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Deposit Account No. 50-0805 (Order No. SUNMP003). A duplicate copy of the transmittal

is enclosed for this purpose.

Respectfully submitted,
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